

**NOTICE OF APPEAL  
TO  
U.S. COURT OF APPEALS, THIRD CIRCUIT**

**U.S. District Court for the District of Delaware**

**FULL CAPTION IN DISTRICT COURT AS FOLLOWS:**

PENNSYLVANIA EMPLOYEES BENEFIT  
TRUST FUND, on behalf of itself and all others  
similarly situated, JOSEPH MACKEN, and  
COMMISSIONER LINDA A. WATTERS,

Plaintiffs,

v.

ZENECA, INC. and ASTRAZENECA  
PHARMACEUTICALS, L.P.,

Defendants.

**CIRCUIT COURT**

**DOCKET NUMBER:** \_\_\_\_\_

**DISTRICT COURT**

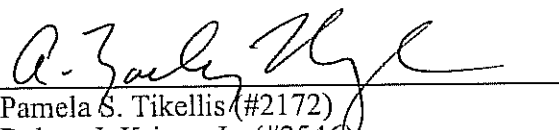
**DOCKET NUMBER:** 05-075-SLR

**DISTRICT COURT JUDGE:**

SUE L. ROBINSON, CHIEF JUDGE

Notice is hereby given that Pennsylvania Employees Benefit Trust Fund, Joseph Macken, and Commissioner Linda A. Watters appeal to the United States Court of Appeals for the Third Circuit from the Order entered in this action on November 8, 2005 (D.I. #56). A true and correct copy of the Order is attached to this Notice as Exhibit A.

Dated: December 7, 2005



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# EXHIBIT A

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

PENNSYLVANIA EMPLOYEE BENEFIT )  
TRUST FUND, on behalf of )  
itself and all others )  
similarly situated, JOSEPH )  
MACKEN, and COMMISSIONER LINDA )  
A. WATTERS, )

Plaintiffs, )

v. )

ZENECA, INC. and ASTRAZENECA )  
PHARMACEUTICALS, L.P., )

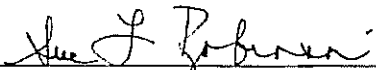
Defendants. )

Civ. No. 05-075-SLR  
(Lead Case)

O R D E R

At Wilmington this 8<sup>th</sup> day of November, 2005, consistent  
with the memorandum opinion issued this same date;

IT IS ORDERED that defendants' motion to dismiss (D.I. 32)  
is granted.

  
United States District Judge

**CERTIFICATE OF SERVICE**

I, A. Zachary Naylor, do hereby certify that on this 7<sup>th</sup> day of December, 2005, I caused copies of the foregoing Notice of Appeal to be served on the following counsel by hand delivery and electronic filing:

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I further certify that on this 7<sup>th</sup> day of December, 2005, I caused copies of the foregoing Notice of Appeal to be served on the following by electronic filing:

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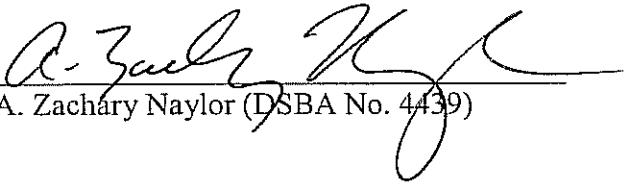
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